

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BARRY SIMON JAMESON,) No. C 07-03160 SBA (PR)
)
Petitioner,) **ORDER DENYING PETITIONER'S**
v.) **REQUEST FOR A COA**
)
JAMES A. YATES, Warden,)
)
Respondent.)
_____)


Petitioner has filed notice of appeal following the Court's dismissal of his petition for a writ of habeas corpus. Petitioner did not file a motion for a certificate of appealability (COA); therefore, the Court will construe his notice of appeal as a request for a COA. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997) ("If no express request is made for a certificate of appealability, the notice of appeal shall be deemed to constitute a request for a certificate.")

Petitioner's request for a COA (docket no. 26) is DENIED. Petitioner has not demonstrated that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

The Clerk of the Court shall forward to the Ninth Circuit Court of Appeals the case file with this Order. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

IT IS SO ORDERED.

DATED: 3/2/10


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 BARRY SIMON JAMESON,

5 Plaintiff,

6 v.

7 JAMES A. YATES et al,

8 Defendant.
9
10 _____/

Case Number: CV07-03160 SBA

CERTIFICATE OF SERVICE

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on March 3, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
16 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.
18

19 Barry Simon Jameson CDCR # C88511
20 Pleasant Valley State Prison
21 Post Office Box 8502
22 Coalinga, CA 93210-8502

23 Dated: March 3, 2010

24 Richard W. Wieking, Clerk
25 By: LISA R CLARK, Deputy Clerk
26
27
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